



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON  
June 15, 2001

OFFICE OF  
THE CHAIRMAN

The Honorable Ralph M. Hall  
U.S. House of Representatives  
2221 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Hall:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

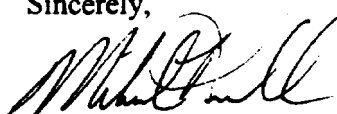
In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("DBS") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON  
June 15, 2001

The Honorable Solomon Ortiz  
U.S. House of Representatives  
2304 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Ortiz:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("*MVDDS*") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("*DBS*") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Kevin Brady  
U.S. House of Representatives  
216 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Brady:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("*MVDDS*") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

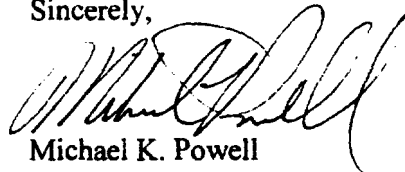
In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("*DBS*") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON  
June 15, 2001

The Honorable Henry Bonilla  
U.S. House of Representatives  
2458 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Bonilla:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("DBS") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

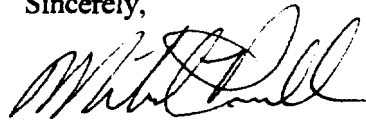


in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON  
June 15, 2001

The Honorable Ruben Hinojosa  
U.S. House of Representatives  
1535 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Hinojosa:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

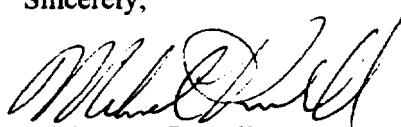
In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("DBS") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON  
June 15, 2001

The Honorable Gene Green  
U.S. House of Representatives  
2335 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Green:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

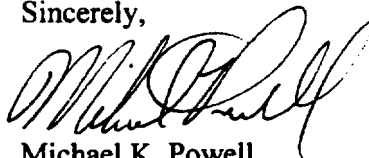
In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("DBS") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON  
June 15, 2001

The Honorable Pete Sessions  
U.S. House of Representatives  
1318 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Sessions:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("DBS") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", with a large, stylized flourish at the end.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON  
June 15, 2001

The Honorable Ciro D. Rodriguez  
U.S. House of Representatives  
323 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Rodriguez:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("DBS") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

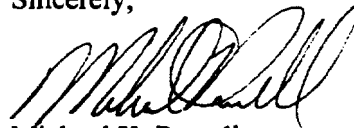


in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Sam Johnson  
U.S. House of Representatives  
1030 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Johnson:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("DBS") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Powell", written in a cursive style.

Michael K. Powell  
Chairman



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

June 15, 2001

The Honorable Chet Edwards  
U.S. House of Representatives  
2459 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Edwards:

Thank you for your recent letter concerning Northpoint Technology, Ltd., which, through its subsidiaries, Broadwave USA, L.L.C., *et al.*, filed applications for licenses to deploy broadband and local television service. The licensing issues presented in this proceeding are novel because of the multi-use purposes that are raised by the allocation plan. In particular, there are significant issues concerning the different licensing regimes between satellite and terrestrial operations, and the Commission's statutory requirements to auction terrestrial licenses.

Traditionally, licensing in the terrestrial wireless services requires a rule making proceeding to allocate spectrum and establish service rules before applications are accepted for filing. For that reason, none of the applications and associated waiver requests to provide terrestrial use of the 12.2-12.7 GHz band have been accepted for filing to date. On November 29, 2000, the Commission adopted a *Report and Order and Further Notice of Proposed Rule Making* ("*R&O and FNPRM*") authorizing a new terrestrial fixed Multichannel Video Distribution and Data Service ("MVDDS") in the 12.2-12.7 GHz band. In the *R&O and FNPRM*, the Commission set in motion the final regulatory process for licensing MVDDS. In doing so, the *R&O and FNPRM* concluded that the Commission complied with the November 29, 2000 deadline imposed by the "Rural Local Broadcast Signal Act."

In the *R&O and FNPRM*, the Commission sought comment on the appropriate disposition of the waiver requests and applications filed by Northpoint and several other applicants. Thus, the Commission decided to hold in abeyance all of the waiver requests and applications submitted in this proceeding, pending resolution of these issues. The pleading cycle for comments and reply comments on the *FNPRM* was March 12, 2001 and April 5, 2001, respectively. In mid-March, 2001, the Commission also received petitions for reconsideration of the *R&O*.

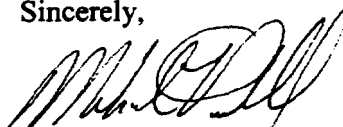
In another matter affecting the Commission's ability to address Northpoint's applications, Section 1012 of the "District of Columbia Appropriations Act, 2001," required the Commission to provide for independent testing of the interference potential to the Direct Broadcasting Satellite Service ("DBS") by any terrestrial service applicant proposing to use the 12.2-12.7 GHz band. The Commission selected MITRE Corporation, a not-for-profit Federal Contract Research Center, to conduct the independent testing and analysis. On April 18, 2001, MITRE Corporation delivered to the Commission a report titled "Analysis of Potential MVDDS Interference to DBS

in the 12.2-12.7 GHz Band.” The Commission issued a Public Notice on April 23, 2001, seeking comment on the MITRE Corporation Report. Comments were due May 15, 2001, with reply comments due May 23, 2001.

The MITRE Report found that MVDDS/DBS bandsharing appears feasible if suitable mitigation measures are applied. As the Commission noted previously in its *R&O and FNPRM*, the MVDDS sharing of the 12.2-12.7 GHz band does pose an interference risk to DBS operation in many realistic operational situations. The MITRE Report agreed with the Commission's conclusions that a wide variety of mitigation techniques exist that can greatly reduce or eliminate the geographical extent of potential MVDDS interference impact on DBS.

The Commission is working expeditiously to develop the record in this proceeding so that we can resolve the waivers and applications, and set out the process and rules by which MVDDS will be licensed and deployed. I appreciate your continuing interest and concern in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. K. Powell', written in a cursive style.

Michael K. Powell  
Chairman